ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

SENSITECH INC.AND DONALD W. BERRIAN)))
Plaintiff,)
v .) Civil Action No. 04-11483 (MLW)
TIME & TEMPERATURE COMPANY, d/b/a TIME 'N TEMPERATURE CORPORATION)))
Defendant.)))

DEFENDANT'S MOTION FOR LEAVE TO FILE REPLY

Pursuant to Local Rule 7.1(B)(3), Defendant Time & Temperature Company ("Time 'N Temperature") respectfully requests leave of court to file, on or before September 10, 2004, a reply to Plaintiffs' Opposition to Defendant's Motion to Dismiss, or, in the Alternative, to Transfer Venue

In support of this Motion, Defendant states that Plaintiffs' Opposition raises several new facts which, if left unrebutted, would establish an incomplete and misleading record on Defendant's Motion to Dismiss, Or In The Alternative, To Transfer Venue. Defendant believes that a brief reply will be useful to the Court in its consideration of the underlying Motion.

Local Rule 7.1(A)(2) Certification

I hereby certify that defendant's counsel attempted to contact plaintiffs' counsel, John Gutkoski, Esq. by telephone prior to filing this Motion in a good faith effort to narrow or resolve the issues raised by the same. No reply was received from plaintiffs' counsel as of this filing.

Respectfully submitted,

CESARI AND McKENNA, LLP

Dated: August 9, 2004

Thomas C. O'Konski BBO #377475

Attorneys for Defendant,

Time 'N Temperature Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Defendant's Motion For Leave to File Reply is being deposited with the United States Postal Service on August 30, 2004, in an envelope addressed to counsel for plaintiff, Sensitech Inc. and Donald W. Berrian:

> John T. Gutkoski Day, Berry & Howard LLP 260 Franklin Street Boston, MA 02110-3179

> Matthew J. Becker Day, Berry & Howard LLP CityPlace I Hartford, CT 06103-3499

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Klitzah J. Ku/

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